

## REQUEST FOR COUNCIL ACTION

### SUBJECT:

Approval of a Resolution authorizing the retention and expenditure of forfeited funds by the Police Department.

### SUMMARY:

From time to time cash is seized in connection with a Police investigation, often in connection with drug offenses. The Utah Code (Section 24-3-103) provides a process whereby the prosecuting attorney certifies that the cash is no longer of evidentiary value, and notice is provided by the Police Department to the possible owners of the cash giving them the opportunity to reclaim the cash. Once an adequate amount of time is allowed for claims, and if no claim is submitted, the cash can then be approved for retention and public expenditure by the City Council. The District Attorney has provided the needed certifications and the Police Department has completed the notice steps in connection with \$21,606 in forfeited cash, and the Police Department now seeks the approval of the City Council to retain such cash and spend it in support of Police Department activities.

### FISCAL IMPACT:

The proposed Resolution will add \$21,606 to the General Fund and increase the Police Department budget for the 2014-15 budget-year by the same amount.

### STAFF RECOMMENDATION:

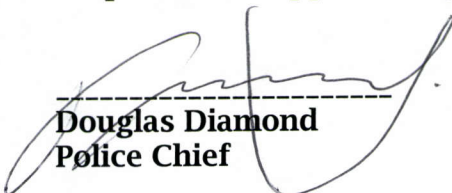
Staff recommends adoption of the proposed resolution.

### MOTION RECOMMENDED:

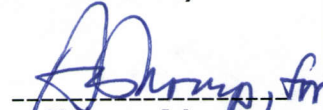
"I move that the City Council adopt and approve Resolution 14-151, approving the retention and expenditure by the Police Department of \$21,606 in forfeited cash funds."

Roll Call Vote X required. ☐ not required.

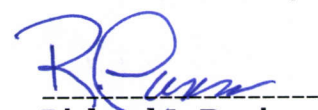
Proposed and Approved By:

  
Douglas Diamond  
Police Chief

Reviewed by:

  
Jeffrey Robinson  
City Attorney

Recommended By:

  
Richard L. Davis  
City Manager

The total cash amount of \$21,606 is comprised of cash seized in 7 cases. In each case the district attorney or prosecuting attorney has provided written certification in each case that the cash is no longer needed as evidence. The Police Department sent certified letters to the last known address of each of the defendants notifying of the availability of the cash to be reclaimed. In addition, on January 9, 2014, the Police Department caused notice to be published in the newspaper of the availability of the cash to be reclaimed. No one has come forward to reclaim the cash. It is now available to be declared to be public funds.

The attached Resolution specifies that the money will go to the General Fund and that the Police Department budget will be increased in an equal amount for expenditure by the Police Chief on bona fide law enforcement activities.

All these steps meet the requirements of the Utah Code.

THE CITY OF WEST JORDAN, UTAH  
A Municipal Corporation

RESOLUTION NO. 14- 151

**A RESOLUTION APPROVING THE RETENTION AND EXPENDITURE BY THE POLICE DEPARTMENT OF \$21,606 OF FORFEITED CASH FOLLOWING COMPLETION OF PROCEDURES CALLED FOR BY SECTION 24-3-103 OF THE UTAH CODE**

Whereas, the Police Department seizes cash from time to time in connection with its criminal investigations; and

Whereas, the Utah Code provides a process whereby the Police Department deems such cash no longer of evidentiary value, and whereby reasonable specified efforts are made to notify potential claimants of the availability of the cash for reclamation; and

Whereas, the Police Department and related agencies have completed the Utah Code processes as to \$21,606 without any person making a claim on the funds; and

Whereas, the City Council is now empowered to approved the retention and expenditure of these forfeited cash amounts by the Police Department,

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

*Section 1.* The City Council hereby designates and declares \$21,606 in unclaimed cash funds to be public interest use pursuant to Section 24-3-103 of the Utah Code.

*Section 2.* Such cash shall be deposited into the City's General Fund, and the Police Department budget for the current fiscal year shall be increased by the same amount. The Police Department may expend this amount on *bona fide* Department activities as approved by the Chief of Police.

*Section 3.* This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah this 27th day of August, 2014.

CITY OF WEST JORDAN

ATTEST:

By: \_\_\_\_\_  
Mayor Kim V. Rolfe

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Melanie Briggs, City Recorder

**Voting by the City Council**

**AYE"**

**"NAY"**

**Jeff Haaga**

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**Judy Hansen**

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**Chris McConnehey**

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**Chad Nichols**

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**Ben Southworth**

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**Justin D. Stoker**

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**Mayor Kim V. Rolfe**

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